

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE V, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE REGULATIONS REGARDING THE OPERATION OF BICYCLES WITHIN THE CITY OF MEMPHIS**

**WHEREAS**, the current Chapter 21, Article V of the Code of Ordinances contains sections that do not comply with current laws of the State of Tennessee and generally accepted safe practices relating to bicycle operation; and

**WHEREAS**, the purpose of this Ordinance is to update regulations, in accordance with generally accepted safe practices and/or current laws of the State of Tennessee regarding the operation of bicycles within the boundaries of the City of Memphis for the protection, welfare and safety of the citizens of Memphis.

**NOW THEREFORE,**

**SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 21, Article V, Code of Ordinances, City of Memphis, shall be amended to update the following sections:

Section 21-197. Traffic laws apply to persons riding bicycles, shall be amended to read as follows:

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

Section 21-199. Equipment – Lights and Reflectors, shall be amended to read as follows:

Every bicycle, operated upon streets in the City during hours of darkness, shall be equipped with the following: (1) a forward-facing lamp mounted on the front of the bicycle and shall emit a white light visible from a distance of at least five hundred feet (500') to the front; and (2) either a rearward-facing red reflector or rearward-facing lamp emitting a red light that shall be visible from a distance of at least five hundred feet (500') when directly in front of lawful upper beams of headlight or headlamps on a motor vehicle.

Section 21-200. Same – Brake, shall be deleted in its entirety and amended to rename the section and to read as follows:

**Equipment - Brake.**

Every bicycle operated upon streets in the City shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement. Such brake(s) shall be

maintained in good working order at all times. For purposes of this section, the drivetrain of a fixed gear bike is considered a brake provided the rider can demonstrate compliance with the braking requirement stated herein.

Section 21-201. Same – Bell or other signal device, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Use of permanent seat required - Carrying excess persons forbidden.**

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, except for a certified police cyclist who is performing duties that require riding in a side dismounting position.

B. No bicycle shall be used at any time to carry more persons than the number for which it has been equipped per person in terms of seats and handlebars, with the exception of properly installed child carriers with hand and foot protection.

Section 21-202, Use of permanent seat required - Carrying excess persons forbidden, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Riding on roadways.**

A. Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the same direction as other vehicular traffic as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations: (1) when overtaking and passing another vehicle proceeding in the same direction; (2) when preparing for a left turn at an intersection or into a private road or driveway; or (3) when reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or when traveling in a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane. This section shall not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

B. No person shall operate a bicycle on any part of any roadway where official signs have been erected and are in place indicating the prohibition of such activity.

C. Hand signals for stopping, turning and changing lanes shall be given at least one (1) time but are not required to be continuous if the bicycle is in a designated turn lane or if the operator's hands are needed for the safe operation of the bicycle. A person operating a bicycle shall either give a right turn signal by extending the left hand and arm upward and to the left side of the bicycle; or by extending the right hand and arm horizontally and to the right side of the bicycle.

D. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. This section shall not apply to a

certified police cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

Section 21-203. Riding on Roadways, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Obedience to traffic control devices.**

Any person operating a bicycle shall obey the instructions of all official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer; except that a bicyclist who is faced with a red traffic-control signal or device may, after coming to a complete stop at the intersection and waiting a reasonable time to determine the signal or device will not change to green, proceed after yielding the right-of-way to all traffic lawfully proceeding through the intersection.

Section 21-204. Obedience to traffic control devices, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Bike lanes.**

A. The creation of one or more bicycle lanes does not inhibit a bicycle operator's ability to operate a bicycle upon a roadway in accordance with this article.

B. Every person operating a motor vehicle shall yield the right-of-way to a person operating a bicycle within a bicycle lane. A person operating a motor vehicle may cross a bicycle lane when making a turn or when entering or leaving the roadway, but a bicycle lane shall not be used as a turning lane or passing lane.

C. Motor vehicles shall not be parked, stopped or left standing in a bicycle lane unless the City has determined that parking within the bicycle lane in specific locations is appropriate during certain hours and official signs have been erected in the designated area(s) to that effect or the City Engineer has issued written Special Permission Parking for a specific event during certain hours.

D. A person operating a bicycle within a bicycle lane shall give an audible signal before overtaking and passing another person operating a bicycle proceeding in the same direction and shall further pass on the left. The audible signal shall be given verbally or via a bell, and shall not be given via a whistle or siren.

E. A person operating a bicycle entering a bicycle lane shall yield the right of way to all bicycles in the bicycle lane. A person operating a bicycle leaving the bicycle lane shall yield the right of way to all vehicles and pedestrians. No person operating a bicycle within a bicycle lane shall leave the bicycle lane until the movement can be made with reasonable safety and, if any vehicle would be affected by the movement, by giving an appropriate signal before the movement is made.

F. A person operating a bicycle within a bicycle lane shall travel in the same direction as vehicles traveling in the adjacent traffic lane.

Section 21-205. Riding on sidewalks, shall be amended to read as follows:

A. Any person may operate a bicycle on a sidewalk except where official signs have been erected and are in place indicating the prohibition of such activity.

B. When operating a bicycle on a sidewalk, such person shall yield the right-of-way to any operator of sidewalk-type vehicles and give an audible signal before overtaking and passing any such operator. The audible signal shall be given verbally or via a bell, and shall not be given via a whistle or siren. For purposes of this subsection, sidewalk-type vehicles shall include coasters, sleds, non-motorized scooters, roller skates, or any similar vehicle, toy or article on wheels.

Section 21-207. To be ridden in single file, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Right-of-Way to pedestrians - Passing pedestrians.**

A. Any person operating a bicycle, on a sidewalk or otherwise, shall yield the right-of-way to any pedestrian.

B. Any operator of a bicycle shall give an audible signal before overtaking and passing any pedestrian. The audible signal shall be given verbally or via a bell, and shall not be given via a whistle or siren.

Section 21-208. Clinging to moving vehicles, shall be amended to read as follows:

It shall be unlawful for any person riding upon a bicycle to cling or attach himself or herself or his or her bicycle to any other moving vehicle upon a street in the city.

Section 21-209. Towing other vehicles, shall be amended to read as follows:

The operator of a bicycle shall not tow or draw any coaster, sled, person on roller skates, toy vehicles or other similar vehicle. The provisions of this section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle if the trailer or semitrailer is designed specifically for that purpose.

Section 21-110. Racing and endurance contests, shall be amended to read as follows:

No person operating a bicycle upon a street in the city shall participate in any race of speed or endurance, or contest with any vehicle unless such activity is specifically authorized by the police director or his/her designee and is supervised.

Section 21-211. Acrobatic and unicycle riding, shall be deleted in its entirety and amended to create a new section and to read as follows:

**Carrying articles on bicycles.**

No person operating a bicycle shall carry any package, bundle or article that prevents the

driver from keeping at least one (1) hand upon the handlebars.

Section 21-212. Bicycle routes and bikeways, shall be deleted in its entirety and amended to create a new section to read as follows:

**Child bicycle safety.**

A. No person who is under sixteen (16) years of age shall operate a bicycle or ride as a passenger on a bicycle or a bicycle trailer on a roadway, bikeway, sidewalk, bike lane or bike path unless he or she is wearing a protective helmet of good fit fastened securely upon his/her head with the straps of the helmet and which meets or exceeds the standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation, or that is otherwise approved by the commissioner of safety for the state of Tennessee.

B. No person who weighs less than forty pounds (40 lbs.) or is less than forty inches (40") in height shall be a passenger on a bicycle unless such person can be and is properly seated in and adequately secured to a restraining seat. For purposes of this section, a restraining seat means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in the seat and protect the passenger from the moving parts of the bicycle.

Section 21-213. Bicycle safety guide and bikeway map, shall be deleted in its entirety and reserved.

**SECTION 2, BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3, BE IT FURTHER ORDAINED**, that this Ordinance shall take effect from and after the date it shall have been approved by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SHEA FLINN  
MEMPHIS CITY COUNCILMAN

HAROLD COLLINS  
CHAIRMAN OF THE COUNCIL

Attest:  
Patrice Thomas, Comptroller